

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MIMICS, INC., RICHARD WILDGRUBE  
and MARGARET WILDGRUBE,  
individually,

Plaintiffs,

vs.

CIV No. 99-00839 MV/ACT

THE VILLAGE OF ANGEL FIRE,  
CHARLES HASFORD, individually,  
MARY FRANCES McKINLEY,  
individually, and GARY STANSBURY,  
individually,

Defendants.

**MEMORANDUM OPINION AND ORDER**

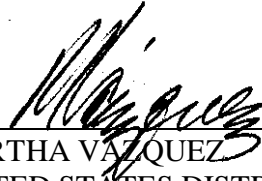
**THIS MATTER** comes before the Court on Defendants' Objection to Magistrate's Order Granting Plaintiffs' Motion to Strike Untimely Disclosed Expert Witness, filed April 23, 2001, [Doc. No. 114]. The Initial Pretrial Report in this case set a deadline of February 16, 2000, for identification of experts. On November 28, 2000, Defendants disclosed Charles Pineda as an expert. Mr. Pineda's expert report was provided to Plaintiffs on December 8, 2000. On February 2, 2001, Plaintiffs filed a motion to strike Mr. Pineda as untimely disclosed. The magistrate judge granted Plaintiffs' motion on April 12, 2001, finding that Defendants did not timely disclose Mr. Pineda and did not show any good cause for their failure to do so. Defendants filed the instant objection to the magistrate judge's order striking Mr. Pineda.

Prior to the Court considering Defendants' objections, the magistrate judge entered an order extending the deadline for Defendants to file expert reports until September 3, 2001. *See* July 27, 2001 Order, [Doc. No. 128]. As a result of this extension, Defendants' disclosure of Mr. Pineda

was timely.

**IT IS THEREFORE ORDERED** that Defendants' Objection to Magistrate's Order Granting Plaintiffs' Motion to Strike Untimely Disclosed Expert Witness, filed April 23, 2001, [Doc. No. 114], is hereby **DENIED as moot**.

Dated this 22nd day of March, 2005.

  
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MARTHA VAZQUEZ  
UNITED STATES DISTRICT JUDGE

Attorney for Plaintiffs:  
Michael Schwarz

Attorney for Defendants:  
James P. Sullivan  
Randy S. Bartell